

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.)
)
CASEY LAMAR AUSTIN)
)
 Defendant.)

No: 3:06-CR-53
(PHILLIPS/GUYTON)

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 33] of the Honorable Thomas W. Phillips, United States District Judge, for disposition of defendant Casey Lamar Austin's Motion for Sentencing Minutes [Doc. 32].

The defendant has filed a motion requesting his sentencing be transcribed and provided to him at no cost to assist him in preparation of a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. Because the defendant does not have a § 2255 motion pending, he is not entitled to a free transcript of his proceedings. *See, e.g., United States v. Connors*, 904 F.2d 535 (9th Cir. 1990); *United States v. Lewis*, 605 F.2d 379, 380 (8th Cir. 1979); *United States v. Losing*, 584 F.2d 289, 291 (8th Cir. 1978). *See also Sistrunk v. United States*, 992 F.2d 258 (10th Cir. 1993).

Accordingly, defendant's motion for a transcript of his sentencing proceeding [**Doc. 32**] is
DENIED.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge